

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

**Illinois Commerce Commission
On Its Own Motion**

Consideration of the federal standard	:	06-0526
on time-based metering and	:	
communications in Section 1252 of	:	
the Energy Policy Act of 2005.	:	

ORDER

By the Commission:

I. PROCEDURAL HISTORY

On August 8, 2005, the United States Congress enacted Public Law 109-58, which, *inter alia*, added a new Section 111(d) to the federal Public Utility Regulatory Policy Act ("PURPA")¹. Viewed generally, the 2005 amendments to PURPA add substantive provisions concerning such matters as time-based rates and metering, interconnection, net metering, fuel diversity and fossil fuel generation efficiency. Procedurally, the amendments require the state utility regulatory commissions to complete certain processes by August 2007. Consequently, with regard to time-based rates and metering, this Commission, on July 26, 2006, initiated this proceeding for the purpose of:

consider[ing], and mak[ing] a determination concerning, whether or not this Commission will adopt the policies prescribed in the standard established under new Section 111(d)(14) of PURPA (16 U.S.C. 2621(d)(14)) for the electric utilities that meet the retail sales criteria in PURPA².

The Commission directed that all electric utilities whose retail electricity sales exceed the minimum threshold specified in PURPA, and all other electric utilities for which the Commission has ratemaking authority, be made parties to this proceeding. Appearances were filed by Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO, Central Illinois Public Service Company, d/b/a AmerenCIPS, and Illinois Power Company, d/b/a AmerenIP (collectively, the "Ameren Companies"), the MidAmerican Energy Company ("MidAmerican"), and Interstate Power and Light Company and South Beloit Gas and Electric Company. The

¹ 16 U.S.C. 2611 *et seq.*

² Docket 06-0526, Order, July 26, 2006, at 4 (Finding 5).

Environmental Law and Policy Center was granted leave to intervene. The Commission's Staff and other parties also participated in this docket.

Pursuant to the rules and regulations of the Commission, status hearings were conducted on August 22, 2006 and October 25, 2006, by a duly authorized Administrative Law Judge ("ALJ") at the offices of the Commission in Chicago, Illinois. During the August 22 hearing, the ALJ directed the parties to file comments concerning whether the exemption provisions of 16 U.S.C. 2622(e)³ would either expressly preclude or implicitly discourage the Commission from adopting the policies and procedures established under 16 U.S.C. 2621(d)(14) and 16 U.S.C. 2625. Comments and Reply Comments were filed by Staff, ComEd, the Ameren Companies, and MidAmerican on September 27, 2006, and October 18, 2006, respectively.

At the October 25 hearing, Staff recommended an additional round of comments concerning ubiquitous time-based metering, which Staff contended was insufficiently addressed in the utilities' prior comments. Consequently, the utilities submitted additional comments on November 3, 2006, to which Staff replied on November 14, 2006.

The evidentiary record as marked "Heard and Taken" on January 22, 2007. The parties jointly filed a Draft Order for use by the Commission in resolving this proceeding.

On February 26, 2007, Staff filed an Application for Additional Hearings. That application was granted by the ALJ on February 28, 2007 and an additional hearing was conducted on March 7, 2007. Supplemental written comments by Staff and ComEd were subsequently admitted into the record and this matter was again marked "Heard and Taken" on March 23, 2007.

II. ANALYSIS AND CONCLUSIONS

A. SUBSTANTIVE PROVISIONS OF PURPA AMENDMENTS

With respect to time-based rates, Section 111(d)(14)(A) of PURPA⁴ provides, in relevant part, that:

Not later than 18 months after the date of enactment of this paragraph [Aug. 8, 2005], each electric utility shall offer each of its customer classes, and provide individual customers upon customer request, a time-based rate schedule⁵ under

³ In pertinent part (and stated generally), subsection 2622(e) exempts a state commission from applying the new PURPA standards when state laws, regulations and/or commission decisions have established a comparable standard, which has been implemented by the state electric utilities subject to PURPA.

⁴ 16 U.S.C. 2621(d)(14)(A).

⁵ The federal law provides four examples of time based rate schedules:

(i) time-of-use pricing whereby electricity prices are set for a specific time period on an advance or forward basis, typically not changing more often than twice a year, based on the utility's cost of generating and/or purchasing such electricity at the wholesale level for

which the rate charged by the electric utility varies during different time periods and reflects the variance, if any, in the utility's costs of generating and purchasing electricity at the wholesale level. The time-based rate schedule shall enable the electric consumer to manage energy use and cost through advanced metering and communications technology.

Subsection (d)(14)(C) of the same section addresses time-based metering:

Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively[.]⁶

Further, the Congress directed the state public utility Commissions to assess the feasibility of compliance with these time-based rate and metering requirements. Section 111(d)(14)(F) of PURPA states:

Notwithstanding subsections (b) and (c) of section 112 [16 U.S.C. 2622], each State regulatory authority shall, not later than 18 months after the date of enactment of this paragraph [Aug. 8, 2005] conduct an investigation in accordance with section 115(i) [16 U.S.C. 2625(i)] and issue a decision whether it is appropriate to implement the standards set out in subparagraphs (A) and (C)⁷.

Section 115(i), in turn, states:

In making a determination with respect to the standard established by section 111(d)(14) [16 U.S.C. 2621(d)(14)], the investigation requirement of section 111(d)(14)(F) [16

the benefit of the consumer. Prices paid for energy consumed during these periods shall be pre-established and known to consumers in advance of such consumption, allowing them to vary their demand and usage in response to such prices and manage their energy costs by shifting usage to a lower cost period or reducing their consumption overall;

(ii) critical peak pricing whereby time-of-use prices are in effect except for certain peak days, when prices may reflect the costs of generating and/or purchasing electricity at the wholesale level and when consumers may receive additional discounts for reducing peak period energy consumption;

(iii) real-time pricing whereby electricity prices are set for a specific time period on an advanced or forward basis, reflecting the utility's cost of generating and/or purchasing electricity at the wholesale level, and may change as often as hourly; and

(iv) credits for consumers with large loads who enter into pre-established peak load reduction agreements that reduce the planned capacity obligations of a utility.

⁶ 16 U.S.C. 2621(d)(14)(C).

⁷ 16 U.S.C. 2621(d)(14)(F).

U.S.C. 2621(d)(14)(F)] shall be as follows: Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices for each of their customers which enable such customers to participate in time-based pricing rate schedules and other demand response programs⁸.

Thus, the foregoing statutes obligate the Commission to determine whether the respondent utilities should be required to offer time-based rates and associated metering. However, as noted above, other provisions of the 2005 amendments provide an important exemption. A state commission need not take additional action to implement time-based rates and metering when existing state actions have already done so. We address that exemption in the next section of this Order.

B. PROCEDURAL REQUIREMENTS OF PURPA AMENDMENTS

Section 111(b)(4)(A) of PURPA states:

Not later than 1 year after the enactment of this paragraph [Aug. 8, 2005], each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated electric utility shall commence the consideration referred to in section 111 [16 U.S.C. 2621], or set a hearing date for such consideration, with respect to the standard established by paragraph (14) of section 111(d) [16 U.S.C. 2621(d)][.]⁹

But subsection (e) of the same section acknowledges that a state may have already imposed the same or similar requirements. When that is the case, the state commission need not implement the pertinent PURPA amendments:

[The state review requirements] of this section *shall not apply to the standard established by paragraph (14) of section 111(d)* [16 U.S.C. 2621(d)] in the case of any electric utility in a State if, before the enactment of this subsection—

(1) the State has implemented for such utility the standard concerned (or a comparable standard);

(2) the State regulatory authority for such State ... has conducted a proceeding to consider implementation of the standard concerned (or a comparable standard) for such utility within the previous 3 years; or

⁸ 16 U.S.C. 2625(i).

⁹ 16 U.S.C. 2622(b)(4)(A).

(3) the State legislature has voted on the implementation of such standard (or a comparable standard) for such utility within the previous 3 years.¹⁰

Accordingly, state law, state regulations, prior Commission proceedings, and/or rates filed by utilities, may constitute compliance, by both the Commission and utilities, with federal Section 111(d)(14), provided that the state law, regulation, order and/or tariff comprises a “comparable standard” within the meaning of Section 111(e). We next consider whether the laws, rules, policies and tariffs presently applicable in Illinois meet the comparable standard test.

C. ILLINOIS STANDARDS

Section 16-102 of the Illinois Public Utilities Act (“Illinois Act”) defines “real time pricing” (“RTP”) as:

[T]ariffed retail charges for delivered electric power and energy that vary hour-to-hour and are determined from wholesale market prices using a methodology approved by the ... Commission.¹¹

Section 16-107 of the Illinois Act provides, in relevant part, that:

(a) Each electric utility shall file, on or before May 1, 1998, a tariff or tariffs which allow nonresidential retail customers in the electric utility's service area to elect real-time pricing beginning October 1, 1998.

(b) Each electric utility shall file, on or before May 1, 2000, a tariff or tariffs which allow residential retail customers in the electric utility's service area to elect real-time pricing beginning October 1, 2000.

(b-5) Each electric utility shall file a tariff or tariffs allowing residential retail customers in the electric utility's service area to elect real-time pricing beginning January 2, 2007. ... A tariff or tariffs approved pursuant to this subsection (b-5) shall, at a minimum, describe (i) the methodology for determining the market price of energy to be reflected in the real-time rate and (ii) the manner in which customers who elect real-time pricing will be provided with ready access to hourly market prices, including, but not limited to, day-ahead hourly energy prices. ...[.]

¹⁰ 16 U.S.C. 2622(e).

¹¹ 220 ILCS 5/16-102.

(b-10) Each electric utility providing real-time pricing pursuant to subsection (b-5) shall install a meter capable of recording hourly interval energy use at the service location of each customer that elects real-time pricing pursuant to this subsection.

(b-25) An electric utility shall be entitled to recover reasonable costs incurred in complying with this Section, provided that recovery of the costs is fairly apportioned among its residential customers as provided in this subsection (b-25). The electric utility may apportion greater costs on the residential customers who elect real-time pricing, but may also impose some of the costs of real-time pricing on customers who do not elect real-time pricing, provided that the Commission determines that the cost savings resulting from real-time pricing will exceed the costs imposed on customers for maintaining the program.

(d) This Section does not apply to any electric utility providing service to 100,000 or fewer customers.¹²

Where required by Section 16-107 of the Illinois Act, the RTP tariffs applicable to nonresidential customers became effective on October 1, 1998 and the residential RTP tariffs became effective in June, 2000. Under Section 16-102, power and energy charges applicable to customers on real-time pricing vary on an hourly basis.

D. PRE-EXISTING COMPLIANCE WITH ILLINOIS STANDARDS

The responding utilities in this case maintain that they have complied with the preceding Illinois standards, and that Illinois' standards satisfy the federal comparable standard test. Specifically, each utility filing comments in this proceeding - ComEd, the Ameren Companies, and MidAmerican - states that: a) the Illinois requirements imposed pursuant to Section 16-107 are "reasonably comparable", within the meaning of Section 111(e) of PURPA to the federal requirements imposed pursuant to Section 111(d)(14) of PURPA; and b) it has a tariff on file with the Commission that complies with the requirements established by Section 16-107. Staff provides the following summary of such tariffs:

<i>Electric Utility / Customer Class</i>	Previous RTP Rate(s)¹³ (Through and including 1/1/07)		Current RTP Rates (After 1/1/07)	
	<i>Residential</i>	<i>Nonresidential</i>	<i>Residential</i>	<i>Nonresidential</i>

¹² 220 ILCS 5/16-107.

¹³ Earlier versions of Section 16-107 of the Illinois Act required time-of-use rates for residential customers.

AmerenCILCO	Rates 2 and 3	Rider G	Rider RTP; Rider PRP	Rider RTP-L
AmerenCIPS	Rate 1T	Rates 6T, 9B and 9T		
AmerenIP	SC 3	Riders DA-RTP and DA RTP II		
ComEd	Rates 1DR and RHEP ¹⁴	Rate HEP	Rate BES-H	Rate BES-H
MEC	Rate No. 11	Rider No. 17	Rate No. 11	Rider No. 17

These tariffs remained in effect after the expiration of the Mandatory Transition Period¹⁵ on January 1, 2007, although, as shown in the summary table, some of the existing tariffs are being replaced by successor tariffs.

Each utility further states that it offers meters capable of recording hourly interval energy use at the service location of each customer electing real-time pricing under Section 16-107.

Staff states that each of the real-time pricing rates that are being offered after January 1, 2007 satisfies the requirements, established in Section 111(d)(14)(B)(iii), that prices charged to customers must reflect the utility's generating and/or acquisition costs at the wholesale level, and may vary as often as hourly. Staff further emphasizes that each of the current time-based rates, as required by Section 16-107(b-10), satisfies the Section 111(d)(14)(C) requirement that customers requesting the real-time pricing rate are provided with a time-based meter. In addition, Illinois electric utilities have implemented a variety of demand response programs and other time-based rates for residential and non-residential customers, consistent with federal standards.

Accordingly, there is no dispute between or among the parties and Staff that Illinois has imposed, and the utilities have implemented, a standard comparable to PURPA's Section 111(d)(14)(A) requirement that each utility offer time-based rates and metering to each requesting customer.

E. CONCLUSION

The Commission agrees with Staff, ComEd, the Ameren Companies and MidAmerican that the state requirements articulated in Section 16-107 of the Illinois Act, and implemented in the tariffs summarized by Staff (above), constitute a "comparable standard" to that established by Section 111(d)(14)(A) of PURPA. That section requires electric utilities to offer time-based rate schedules and metering to all customers in all customer classes. Section 16-107 imposes the same requirement, and evidence establishes that each Illinois utility subject to Section 111(d)(14)(A) has filed tariffs in

¹⁴ ComEd's Rate RHEP was an experimental residential real-time pricing program.

¹⁵ The Mandatory Transition Period is defined in Section 16-102 of the Illinois Act as the period starting on the effective date of the 1997 amendments to the Illinois Act and ending on January 1, 2007.

compliance with the state requirement. This Commission has reviewed and approved such tariffs in December 2006, and those tariffs currently are in effect. Accordingly, the “comparable standard” test is satisfied. Additionally, the utilities have other tariffs that allow customers to participate in demand response programs or other time-of-use pricing options, consistent with federal law.

F. ADDITIONAL ISSUE – UBIQUITOUS METER DEPLOYMENT

Staff contends that, under 16 U.S.C 2625(i), the state commission investigation required by federal Section 111(d)(14) must include consideration of ubiquitous deployment of time-based meters. Staff cites the following text:

In making a determination with respect to the standard established by section 111(d)(14)...Each State regulatory authority shall conduct an investigation and issue a decision whether or not it is appropriate for electric utilities to provide and install time-based meters and communications devices *for each of their customers* which enable such customers to participate in time-based pricing rate schedules and other demand response programs.¹⁶

Staff also cites the another provision from PURPA:

Each electric utility subject to subparagraph (A) shall provide each customer requesting a time-based rate with a time-based meter capable of enabling the utility and customer to offer and receive such rate, respectively.¹⁷

Staff also points to Section 16-107(b-10) of the Illinois Act, which Staff views as “somewhat analogous” to the foregoing PURPA requirement. That statute states:

Each electric utility providing real-time pricing pursuant to subsection (b-5) shall install a meter capable of recording hourly interval energy use at the service location of each customer that elects real-time pricing pursuant to this subsection.

Based on its interpretation of the foregoing provisions, Staff argues that this proceeding cannot be properly concluded without determining whether it is appropriate to require utilities to provide time-based meters to *all* customers. Staff further asserts that Illinois has no such requirement, or any comparable requirement or standard, and contends that the Commission is therefore obliged to resolve the issue.

¹⁶ 16 U.S.C. 2625(i) (emphasis added; citations omitted).

¹⁷ 16 U.S.C. 2621(d)(14)(C).

The Commission finds that the statutes quoted by Staff do not unanimously and unambiguously require universal time-based meter deployment. While 16 U.S.C 2625(i) does appear to create that mandate, 16 U.S.C 2625(d)(14)(c) and Section 16-107(b-10) of the Illinois Act more likely require meters only after a customer request for real-time pricing. That said, the Commission does not perceive a need to ultimately determine the meaning of these statutes. Instead, in order to clarify our current viewpoint for the stakeholders in this proceeding, we will simply proceed, as Staff requests, with consideration of whether ubiquitous deployment of time-based metering would be advisable now. We note that two different time-based meters are addressed in the record – the basic Interval Data Recording (“IDR”) meter, which simply records time-based usage, and the more sophisticated “smart meter” (also known as an “advanced meter”). The Commission will consider each.

1. IDRs

Every party to this proceeding counsels against ubiquitous deployment of IDR meters. Staff stresses that all customers served by the respondent utilities in this case have, as a matter of law or tariff, the right to take service under real time pricing tariffs. Thus, Staff believes, all Illinois customers who request an IDR meter in conjunction with time-based rates will be provided with one.

Staff emphasizes that: (a) providing IDR meters to millions of customers would be very costly; (b) ratepayers would be required to pay for such meters, either through increased rates or a one-time charge; and (c) many customers have no interest in time-based pricing, and therefore have no need for time-based meters (at least currently or in the near term).

Regarding the cost of ubiquitous metering, Staff notes that IDRs would have to be provided to the approximately 4.5 million Illinois residential customers who do not currently have them, at a cost Staff estimates to be in the hundreds of millions of dollars. Staff’s estimates are derived from ComEd’s stated cost of acquiring and installing time-based meters, filed under seal in Docket 05-0597¹⁸. Staff assumes that the Ameren Companies’ acquisition and installation costs would approximate ComEd’s¹⁹.

ComEd contends that Staff actually underestimates the costs that would result from ubiquitous metering. ComEd states that the expected life of an IDR meter is 10 years, far less than the 30-year life for a watt-hour meter. Consequently, IDR meters would need more frequent replacement, with additional cost. Also, an IDR meter requires 2 minute and 33 seconds to read, instead of the 44 seconds needed for a watt-

¹⁸ ComEd calculated the unit cost of purchasing and installing an IDR meter to be \$ **Confidential**. Staff multiplied this unit cost by the number of ComEd residential customers (3,344,609), yielding an aggregate cost of approximately \$ **Confidential** million for ubiquitous IDR metering.

¹⁹ Thus, Staff multiplies the unit cost in the previous footnote (\$ **Confidential**) by the number of the Ameren Companies’ residential customers (1,051,145) to arrive at an estimated total cost of approximately \$ **Confidential** million.

hour meter. Again, additional costs would result. Further, ubiquitous deployment of IDR meters would cause ComEd to incur more costs to enhance its information technology applications, to process the greater mass of data that would be supplied.

The Ameren Companies and MidAmerican also assert that ubiquitous installation would be very costly and complex, citing high deployment costs, uncertainty of benefits, and a need to gain further experience with RTP markets. ComEd adds that IDR meters have more limited functionality than smart meters (discussed below), so that money spent to deploy IDR meters might well be squandered on soon-to-be obsolete technology.

Staff notes that the companies' disinclination to universally install IDR meters is not, by itself, sufficient to influence Commission decision-making. However, Staff assumes that the utilities' collective position is based on each company's realistic assessment of costs, benefits and the likely "take rate" of real time pricing. Staff believes that the utilities' assessments are credible. Accordingly, Staff does not recommend that the Commission, at this time, require – or conduct a full-blown investigation of - ubiquitous deployment of IDR meters. Staff emphasizes that any interested customer can now take advantage of time-based pricing.

2. Smart Meters

ComEd does not agree with Staff's view that consideration of ubiquitous smart metering is required in this proceeding as a matter of federal law. ComEd contends that IDR meters and smart meters are treated differently in the relevant statutes, and that since nothing requires universal deployment of the latter, no consideration is needed. Neither the Ameren Companies nor MidAmerican address this question expressly. As the Commission has done with regard to IDR meters, above, we will simply address ubiquitous deployment of smart metering without determining whether we are obliged to do so.

Staff explains that smart meters have uses beyond recording hourly consumption. Because they have two-way communications capability, smart meters support various time-based rate offerings and allow consumption data recorded by the meter to be directly transmitted to the utility. Staff asserts that smart meters may also be valuable in several other areas of utility operations, including transmission and distribution operations and billing. According to Staff, several US jurisdictions and other countries have found that the *combination* of demand response benefits and utility operational benefits justifies significant investment in meter replacement and communications and data management systems (known as Automatic Metering Infrastructure ("AMI")) typically associated with smart meters.

Staff points to the example of California, which has extensively studied the benefits of AMI installation. According to Staff, San Diego Gas & Electric Company testified to the California Public Utilities Commission ("CPUC") that potential AMI benefits of about \$800 million were split nearly equally between operational benefits and

demand response benefits. Significantly, in Staff's view, the CPUC, in its evaluation of Pacific Gas and Electric Company's ("PG&E's") AMI proposal, found that 90% of the costs of PG&E's AMI installation would be covered by operational savings, with the remaining 10% covered by demand response benefits.

Nonetheless, Staff asserts that universal smart metering deployment should not be ordered, and the question of ubiquitous smart metering should not be the subject of further proceedings, at this time. Staff reasons that the cost of smart meters will exceed the cost of less sophisticated IDR meters, and, as noted above, Staff asserts that the latter cost is itself too high to justify universal deployment. Also, Staff urges the Commission to consider the potential complexity of a proceeding to determine whether operational and demand response benefits justify the costs of smart meters and associated communications technology. Staff believes such a proceeding would be quite lengthy and would involve testimony regarding the costs and benefits of many areas of utility operation. Staff points to the CPUC experience. In its order approving PG&E's \$1.6 billion expenditure on AMI, the CPUC accepted a stipulation between the parties identifying 17 areas of relevant operational costs and 12 areas of relevant operational benefits.

ComEd concurs that a formal investigation of ubiquitous smart metering is unwarranted and that universal deployment should not now be mandated. ComEd argues that ubiquitous deployment would be extremely expensive, especially in light of modest customer interest in RTP. Moreover, ComEd asserts, such customer interest may increase over time, while implementation of ubiquitous smart meters may correspondingly decline in cost as the technology matures, rendering implementation at this point speculative and premature. The Ameren Companies and MidAmerican agree with ComEd.

3. Conclusion

Staff construes Section 115(i) of PURPA to require state Commissions conducting Section 111(d)(14) investigations to include within the scope of such investigations an inquiry into whether electric utilities should provide and install time-based meters and communications devices for all customers. Staff observes that we convened this proceeding to investigate compliance with Section 111(d)(14), and specifically referred to Section 115(i) in our Initiating Order. Without formally deciding this issue, the Commission has considered whether to require or further investigate universal deployment here.

Regarding the costs and benefits of ubiquitous smart metering, Staff, ComEd, the Ameren Companies and MidAmerican generally agree to the following:

- (1) installing smart meters on a ubiquitous basis would be very costly, likely in the hundreds of millions of dollars statewide (costs which would be recovered from ratepayers under Section 16-108 of the Illinois Act);

- (2) presently available evidence indicates that the benefits of ubiquitously installing time-based meters would not now be commensurate with costs;
- (3) currently, the number of customers electing RTP service is relatively small, so that the great majority of customers would not benefit significantly from ubiquitous deployment of time-based meters, at least over the short term;
- (4) customers electing to take RTP service will be provided with a necessary meter; and
- (5) at this point in Illinois, requiring universal installation of time-based meters is premature, and it would be prudent to monitor the maturation of the market for RTP services, including smart metering technology, to discern whether benefits and costs are coming into alignment.

We accept these consensus for the time being. Therefore, we decline to presently open an additional investigation into the costs and benefits of requiring the universal deployment of time-based meters. It follows that we will not impose an obligation to deploy ubiquitous smart or IDR metering at this time.

III. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter herein;
- (2) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the evidence of record and are hereby adopted as findings of fact;
- (3) in compliance with Section 16-107 of the Illinois Public Utilities Act, as from time to time amended, Commonwealth Edison Company had on file, prior to January 1, 2007, Rates 1DR, HEP and RHEP, and currently has on file Rate BES-H;
- (4) in compliance with Section 16-107 of the Illinois Public Utilities Act, as from time to time amended, the Ameren Companies had on file, prior to January 1, 2007, Rates 2 and 3 and Rider G (CILCO), Rates 1B, 6T, 9B and 9T (CIPS), and Rate SC3 and Rider DA-RTP and DA-RTP II (IP); and currently has on file for all of the Ameren Companies Riders RTP and RTP-L;

- (5) in compliance with Section 16-107 of the Illinois Public Utilities Act, as from time to time amended, MidAmerican had on file prior to January 1, 2007, and has on file to date, Rate 11 and Rider 17;
- (6) Section 16-107, as implemented by the rates and riders above, constitutes a time-based rate schedule standard comparable to that imposed by Section 111(d)(14)(B) of the federal PURPA;
- (7) the rates and schedules identified in findings (3) through (6) above have been determined to comply with Section 16-107;
- (8) customers electing real-time pricing pursuant to the rates and schedules identified in findings (3) through (6) above are supplied with meters capable of recording interval energy use at the service location of each such customer;
- (9) based upon the record in this proceeding, including the fact that customers requesting a time-based meters will be provided with such, it is not presently appropriate to require the respondent electric utilities to provide and install time-based meters for each of their customers;
- (10) all findings in this order are independently supported by substantial evidence of record and do not violate the Public Utilities Act.

IT IS, THEREFORE ORDERED the findings and conclusions herein are adopted.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code Section 200.880 this Order is final; it is not subject to the Administrative Review Law.

By proposed order of the Commission this 16th day of May, 2007.

(SIGNED) CHARLES E. BOX

Chairman